

RID (Rule Interpretation Decision)
(Use additional sheets as necessary)

Type of RID Customer RID <input type="checkbox"/> Internal Staff RID <input checked="" type="checkbox"/>	Requested Response Time 24 hours <input type="checkbox"/> 5 working days <input type="checkbox"/> As time available <input checked="" type="checkbox"/>	DSD Assigned RID # 009
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1. Project Name: Street dedication/construction (general issue)

2. Project Number: None
(Plat #, Zoning Case #, etc.)

3. Project Street Address: None
(If not available nearest intersection of two public streets)

4. Applicant Name: Development Service Staff, subdivisions

5. Applicant Address: 1901 S. Alamo

6. Applicant Telephone #: (210) 207-7892

7. Applicant e-mail Address: na

8. Rule in Question:
(Section and/or policy of UDC, Building Code, Master Plan, etc)

Section 35-4109 Arterial streets of the pre May 3, 2001 UDC provided the following:

"Where a primary or secondary arterial street, as shown on the major thoroughfare plan, traverses or is contiguous with an area being platted, such primary or secondary arterial street shall be platted in the location and of the width indicated by the requirements of the major thoroughfare plan and theses regulations."

9. Applicant's Position:
(Including date position presented and name of city staff point of contact)

Date: 2/23/2001 **Contact:** Eddy Guzman **Contact Telephone #:** (210) 207-7892

The new May 3, 2001 UDC version inadvertently failed to carry over Section 35-4109 (Arterial streets) out of the former code. This provision set forth requirements for dedication and construction of Arterials streets in connection with plat approval. In addition because the dedication and construction provision is vague and or clarification is needed for consistency the Director of Development Services finds it is necessary to establish guidelines for the imposition of this requirement. The provision states in part that when a proposed plat is abutting, traversing and/or contiguous to a proposed arterial or secondary thoroughfare, dedication and construction is required in accordance with the Major Thoroughfare Plan.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: 2/23/2001 **Contact:** Eddy Guzman **Contact Telephone #:** (210) 207-7892

The May 3, 2001 UDC addresses both the dedication and construction required by developers in the platting process as follows:

35-506 Transportation and Street Design

(d) Cross-Section and Construction Standards

(1) Interior Streets

The subdivider shall dedicate all interior Streets within the subdivision based upon the following tables:

(g) Dedication of Arterial

(1) Adjacent streets.

The subdivider shall dedicate right-of-way width and provide pavement width in accordance with the following table and typical sections in subsection (d) of this Section.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 2/23/2001 **Contact:** Eddy Guzman **Contact Telephone #:** (210) 207-7892

While the 2001 UDC fully addresses dedication and construction of Major Thoroughfares Plan arterials it does not provide clarity for dedication/construction applicable in a manner to fit all cases which may arise.

With regard to clarification/construction for imposing the required provisions, a consensus should be established that dedication and construction shall be applied as follows:

- In situations where a proposed plat abuts a designated thoroughfare as shown on the Major Thoroughfare Plan and the proposed street alignment is split or separated by an ownership boundary, the applicant of the proposed plat shall include half 1/2 of the required dedication and construction for plat approval.
- If a plat applicant owns all of the land designated, as a thoroughfare, and the proposed plat abuts or embraces a thoroughfare alignment, the applicant shall be responsible for 100% dedication and construction or;
- A plat applicant may dedicate 100% of the ROW and develop an agreement with the owner of the abutting undeveloped tract to equally share the cost and post a guarantee for construction of the full thoroughfare in connection with the approval process.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)


Date of policy/action: 4/15/2004

Effective Date of policy/action: 4/15/2004

The Director finds that the UDC provisions quoted in section "10" above (Staff Finding) and the adopted policies in the Major Thoroughfare Plan are clear on the developer's responsibility to dedicate/construct such arterials. However, it is also found that application of the provisions in some cases are difficult to impose. In order to maintain the policies of the Major Thoroughfare Plan and the 2001 UDC the following minimum requirements are established as a condition of platting relative to dedication/construction:

- In situations where a proposed plat abuts a designated thoroughfare as shown on the Major Thoroughfare Plan and the proposed street alignment is split or separated by an ownership boundary, the applicant of the proposed plat shall include half 1/2 of the required dedication and construction for plat approval.
- If a plat applicant owns all of the land designated, as a thoroughfare, and the proposed plat abuts or embraces a thoroughfare alignment, the applicant shall be responsible for 100% dedication and construction or;
- A plat applicant may dedicate 100% of the ROW and develop an agreement with the owner of the abutting undeveloped tract to equally share the cost and post a guarantee for construction of the full thoroughfare in connection with the approval process.

Furthermore staff is directed to prepare an amendment that adding the above items to the UDC.



Florencio Peña III, Director
Development Services Department